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Southern District
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Executive Director

December 21, 2007

Southern District of New York
John J. Byrnes
Attorney-in-Charge

BY FIRST-CLASS MAIL

MEMO ENDORSED

DEC 16 2007

Hon. Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Perffys Rojas
No. 07 Cr. 297 (KMK)
Request for Waiver of Restitution Interest

Dear Judge Karas:

On December 12, 2007, the Court sentenced Ms. Rojas to, inter alia, approximately \$24,000 in restitution. At the time, I neglected to request that the Court waive the interest on that amount. See 18 U.S.C. § 3612(f) (interest accrues on restitution amounts that exceed \$2,500, unless the Court finds that the "defendant does not have the ability to pay interest" and waives it).

As indicated in the presentence report, Ms. Rojas clearly lacks the ability to pay interest on the restitution order and, given the modest payment schedule set by the Court, it is likely that, if the interest is not waived, the interest on the balance will exceed the amount she repays. Thus, the restitution balance will grow, instead of decreasing, over time.

Accordingly, the Court should waive the interest on the restitution in this case.

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DATE FILED: _____

Respectfully submitted,

STEVEN M. STATSINGER
Assistant Federal Defender
(212) 417-8736

cc: AUSA Benjamin A. Naftalis
(By hand delivery)

Defendant's application to waive
interest payments on the restitution is granted.
Ms. Rojas has no ability to pay interest.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

12/27/07